

## AMENDMENT AND RESPONSE

Serial No.: 09/183,715

Filing Date: October 30, 1998

Title: USING ALTERNATE POLARIZATION IN FIXED WIRELESS SYSTEM DEPLOYMENT FOR  
IMPROVED CAPACITY

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Attorney Docket No. 100.104US01

REMARKS

Applicant has reviewed the Office Action mailed on March 12, 2004 as well as the art cited. Claims 1-69 are cancelled, and claims 70-79 are introduced. Therefore, claims 70-79 are pending in this application. Applicant reserves the right to reintroduce the cancelled claims in continuation or divisional applications.

Rejections Under 35 U.S.C. § 112

Claims 1-11, 21-30 and 40-54 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-69 have been cancelled, rendering these rejections moot.

Rejections Under 35 U.S.C. § 102

Claims 1-69 were rejected under 35 USC § 102(b) as being anticipated by Bossard et al., (U.S. Patent No. 5,668,610). Claims 1-69 have been cancelled, rendering these rejections moot.

In regards to claims 70-74, Bossard et al. does not teach or suggest a communication system "wherein each communication area is further divided into at least a first sector and a second sector; wherein the communication circuit communicates using a first subband within a particular frequency spectrum in the first sector and the communication circuit communicates using a second subband within a particular frequency spectrum in the second sector" as is claimed in claim 70 of the Applicant's Application. In addition, Bossard et al. does not teach or disclose a communication system "wherein the division of each communication circuit into at least the first portion and second portion is independent of the division of each communication area into at least the first sector and second sector" as is claimed in claim 70 of the present application.

In regards to claims 75-79, Bossard et al. does not teach or suggest a method for communication "dividing each of the plurality of communication areas into at least a first

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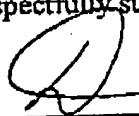
communication area portion and a second communication area portion and into at least a first communication area sector and a second communication area sector; wherein the division into the first communication area portion and second communication area portion is independent of the division into the first communication area sector and second communication area sector" as is claimed in claim 75 of the Applicant's Application. In addition, Bossard et al. does not teach or disclose a method for communication "communicating using a first polarization in the first communication area portion, a second polarization in the second communication area portion, a first subband of a frequency spectrum in the first communication area sector and a second subband of a frequency spectrum in the second communication area sector" as is claimed in claim 75 of the present application.

CONCLUSION

Applicant respectfully submits that claims 70-79 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Respectfully submitted,

  
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David N. Fogg  
Reg. No. 35,138

Attorneys for Applicant  
Fogg and Associates, LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
T - (612) 332-4720  
F - (612) 332-4731